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**OFFICE OF PETITIONS**

In re Application of  
LEROY

Application No.: 10/069,670

Filing Date: February 22, 2002

Attorney Docket No.: P-6451

DECISION ON PETITION  
UNDER 37 CFR 1.137(b)

This is a decision on the petition under 37 CFR 1.137(b), filed June 14, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed May 16, 2005, which set a shortened statutory period for reply of three (3) months. A two-month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, by operation of law, the above-identified application became abandoned on October 17, 2005 (October 16, 2005 being a Sunday).

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment in compliance with 37 CFR 1.121; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Office action mailed May 16, 2005 is accepted as having been unintentionally delayed.

This application is being referred to Technology Center AU 2145 for appropriate action, if any, on the reply in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3301.

Daniel Stemmer

Legal Examiner

Office of the Deputy Commissioner  
for Patent Examination Policy